

REMARKS

The courteous and helpful telephonic interview granted the undersigned attorney on February 11, 2003 is gratefully acknowledged.

In accordance with the discussion at such interview, claims 1-14, 18 & 19, 21-28, and 31 have been cancelled and claim 32 amended to place the case in better condition for allowance.

As discussed during such interview, applicants invention involves two piece construction.

First, there is a core to provide rigidity. Such core is typically metal. The core is then covered with paper to provide the desirable characteristics corresponding with the paper typically utilized to cover drywall sheets. The paper then projects laterally to at least one side of the core so as to form a flexible flap or flaps. The flap is formed by a manufacturing process shown in Figs. 5-6 of the drawings so that parallel grooves and ribs are formed there along spaced apart about 1/8 of an inch and with the ribs being about 1/64 of an inch high.

Applicant's invention then provides the benefit of rigidity in the case and the flexible paper flaps similar to tape-on construction. The paper may be relatively inexpensive conventional paper similar to that used in covering drywall sheets. The grooves and ridges then, when embedded in the joint compound, provide for good gripping characteristics to anchor the bead in place.

While it is possible to specially treat the paper, it is necessary that the paper be not so deteriorated as to not allow it to take a permanent set in forming the parallel tongues and grooves.

As noted during the foregoing interview, Applicant's construction should be contrasted with the prior art and particularly the Kunz reference which the Examiner relied on as the basic reference. It must be appreciated that Kunz shows a metal core covered by a paper strip which is conditioned by breaking down the surface of the bond as by abrading to partially loosen the fibers and thereby increasing the bond strength of the bead when installed (see Abstract). Kunz understood that tape-on beads performed better because of the joint cement for finishing the corner will adhere significantly better to the paper strip than to the exposed metal of nail-on beads (column 1, lines 55-60). He recognized that one of the main problems of prior tape-on beads was the use of standard drywall tape which is very fibrous and poor for appearance. See top of column two. He denigrated the use of conventional tape because the fibers will project and protrude with only minimal contact by the application tool so the fibers ball up during the course of sanding of the joint.

Kunz thus promoted the advantages of using a bead with the paper wings having a high bond strength (column 2, lines 35-37). He thus limited his bead to a strip formed of a stock paper having a high abrasion resistance, tensile strength and wherein the surface of the cover was abraded to partially loosen the fibers to increase the bond strength of the corner when installed (column 2, lines 55-59).

Kunz recognized that stock paper impregnated with latex or other strengthening compounds would perform poorly when installed on wallboard and subjected to tests which measure resistance to peeling (column 4, lines 13-16). Kunz preferred stock paper having a high prick resistance such as that found in a special paper produced by E. B. Edby's and formed without impregnation of latex or other strickening compounds (column 4, lines 28-33).

The Peterson patent, on the other hand, is not even directed to a drywall bead. Rather, Peterson provides a corner bead for lath and plaster construction (column 1, line 18). Referring to Fig. 3, the metallic bead of Peterson is configured with a pair of laterally spaced apart longitudinal ribs configured to project outwardly from a corner of a structural post 1 to terminate in edges which cooperate in the defining a 45° chamfer corner when the plaster is applied to the lathing and between such ribs. There is no relationship or connection with a drywall bead as taught in Kunz. There is no suggestion in either reference or anywhere in the art of combining these two references to anticipate Applicant's invention.

As noted during the foregoing interview, Weldy is directed to an extruded one piece plastic bead strip thickened in the central area and formed with thin lateral flanges (see abstract). The whole idea of Weldy is to provide an extruded integral plastic construction to overcome the shortcomings of metal beads. As pointed out in column, 1 lines 33-35, Weldy perceives metal strips as having the shortcomings of being corrosive and allowing for bleed-through. They have poor memory and may be subjected to denting or wrinkling (column 1, lines 36-38). They are relatively expensive to make in

large quantities (column 1, lines 46-47). Thus, Weldy sought to devise a simple integral plastic strip configured with the central core and lateral plastic flanges (column 2, lines 13-16).

Weldy forms his flanges with striated grooves "much like record grooves" which would have a relatively shallow depth and would unlikely present any meaningful anchoring for paper flanges as in Applicant's invention.

Weldy recognizes the shortcomings of bead cores not covered by a paper cover in that he perceives that a primer 28 will be needed.

It is possible that the Examiner thought Weldy was of a two-piece construction. It should be noted that the longitudinally projecting tongue 32 is just that, a tongue formed in one piece with the core and flanges and projecting longitudinally for a miter connection (see top of Column 4).

Nor is Bergin patent at all helpful in suggesting Applicant's construction. In fact Bergin is critical of the original Weldy U.S. Patent No. 5,086,598. See column 1. He does not disclose a two-piece construction with a paper covering a hard core and configured with anchoring grooves and ridges.

Pursuant to the discussion with the Examiner, the claims 1-14, 18 & 19, 21-28 and 31 have been cancelled without prejudice to simplify the case. Remaining independent claims 15, 20 and 29-32 call for a relatively hard core piece and a second piece of paper forming a cover and configured with flaps formed with grooves and ridges to provide the anchoring features. See the following limitations:

Claim 1 lines 5,6,7,8

Claim 16 lines 3-17

Claim 17 lines 4-8

Claim 20 lines 5-9

Claim 30 is even more limited in calling for the paper flaps to be formed with the parallel grooves and ribs configured with a groove spaced $1/8$ of an inch apart and $1/64$ of an inch high.

Since Kunz was satisfied with his abraded fiber released flanges, there is no suggestion of substituting some different anchoring device therefore.

In fact, the abrading of one side of the paper flanges would likely diminish the capability of the paper to take a permanent set when formed by the manufacturing methods shown in Figs. 5 and 6 of Applicant's drawings. Consequently, the teachings of Kunz are contrary to Applicant's invention.

There is no showing that combining Kunz with Patterson would produce Applicant's results. Additionally there is no suggestion of making that combination.

Finally, to revise Kunz to add to the abrading step, the feature of forming ridges and grooves would be redundant.

Attention is also directed to the method set forth in claim 29 which involves forming the rigid core covering it with a paper bonded thereto and forming the flaps with parallel grooves and ridges to form the grooves at least $1/64$ of an inch high and further forming the flaps with perforations. There is no suggestion in the art that Kunz should be formed with grooves and ridges and particularly grooves and ridges of this dimension. There is no suggestion of revising Weldy to revert to a two-piece construction, delete his

record groove type striation and substitute therefore paper flaps formed with a permanent set to form 1/64 inch high ridges. In fact, such a division would be totally contrary to the teachings in the art.

From the forgoing it is clear that Applicant has made a valuable contribution to the art. It is believed that the suggested revisions places the case in condition for allowance and early notice thereof as respectfully solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the examiner not be in agreement, it is respectfully requested that he telephone the undersigned attorney to discuss the features of the invention or enter the subject amendment to place the case in better condition for appeal.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1-14, 18 and 19, 21-28 and 31 have been canceled.

Claim 32 has been amended as follows:

32. (Amended) A protective drywall joint strip device comprising:

[A]an elongated, a relatively rigid core terminating in at least one longitudinal edge and having an outer surface;

a relatively flexible cover bonded to said core and configured to project laterally beyond said edge to form a flexile longitudinal flap; and

said flap including elongated lengthwise [screw] groove and ridge means spaced from said edge and configured to form a plurality of lengthwise grooves and ridges to be anchored in joint compound to anchor such strip device thereto or by such strip device may be placed over a joint between a pair of drywall panels and joint compound thereover to be received in said grooves to cooperate in anchoring said [ribs] ribbing against shifting relative to such joint material.